

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	04-00283-02-CR-W-HFS
CLEON McKINNEY,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on February 3, 2006. Defendant Cleon McKinney appeared in person and with appointed counsel Kurt Marquart. The United States of America appeared by Assistant United States Attorney Catherine Connelly.

I. BACKGROUND

On September 9, 2004, an indictment was returned charging Defendant conspiracy to distribute cocaine, in violation of 21 U.S.C. §§ 841 (a)(1) and (b)(1)(A), 846.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Connelly announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Brian Parish, DEA.

Mr. Marquart announced that he will be the trial counsel for Defendant McKinney.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Ms. Connelly announced that the government intends to call fourteen witnesses without stipulations or twelve witnesses with stipulations during the trial.

Mr. Marquart announced that Defendant McKinney does not intend to call any witnesses during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Ms. Connelly announced that the government will offer approximately fourteen exhibits in evidence during the trial.

Mr. Marquart announced that Defendant McKinney will not offer any exhibits in evidence during the trial.

VI. DEFENSES

Mr. Marquart announced that Defendant McKinney will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Marquart stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody and the chemist's reports.

IX. TRIAL TIME

Counsel were in agreement that this case will take one and a half to two days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed February 25, 2005, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by February 3, 2006;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, February 8, 2006;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, February 8, 2006. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated and there are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 13, 2006. The parties request a trial setting on the second week of the docket, although the case will likely be disposed of by plea agreement.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
February 3, 2006

cc: The Honorable Howard Sachs
Ms. Catherine Connelly
Mr. Kurt Marquart
Mr. Jeff Burkholder